
By: **Delegates Montague and Bobo**
Introduced and read first time: February 3, 2000
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 29, 2000

CHAPTER _____

1 AN ACT concerning

2 **Circuit Courts - Civil Enforcement of Administrative Orders**

3 FOR the purpose of authorizing parties to seek civil enforcement of administrative
4 orders in the circuit courts under certain circumstances; providing for certain
5 venue, procedures, ~~forms of relief, and defenses~~ and forms of relief in an action
6 for civil enforcement of certain administrative orders; providing for the
7 application of this Act; and generally relating to authorizing actions in the
8 circuit courts for civil enforcement of administrative orders under certain
9 circumstances.

10 BY adding to
11 Article - State Government
12 Section 10-222.1
13 Annotated Code of Maryland
14 (1999 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - State Government**

18 10-222.1.

19 (A) A PARTY TO A CONTESTED CASE MAY TIMELY SEEK CIVIL ENFORCEMENT
20 OF AN ADMINISTRATIVE ORDER BY FILING A PETITION FOR CIVIL ENFORCEMENT IN
21 AN APPROPRIATE CIRCUIT COURT.

1 (B) UNLESS OTHERWISE REQUIRED BY STATUTE, A PARTY SHALL FILE A
2 PETITION FOR CIVIL ENFORCEMENT OF AN ADMINISTRATIVE ORDER IN THE CIRCUIT
3 COURT FOR THE COUNTY WHERE ANY PARTY RESIDES OR HAS A PRINCIPAL PLACE
4 OF BUSINESS.

5 (C) IN AN ACTION SEEKING CIVIL ENFORCEMENT OF AN ADMINISTRATIVE
6 ORDER A PARTY SHALL NAME, AS A DEFENDANT, EACH ALLEGED VIOLATOR AGAINST
7 WHOM THE PARTY SEEKS TO OBTAIN CIVIL ENFORCEMENT.

8 ~~(D) A PARTY MAY NOT FILE AN ACTION FOR CIVIL ENFORCEMENT OF AN
9 ADMINISTRATIVE ORDER;~~

10 ~~(1) UNTIL AT LEAST 60 DAYS AFTER THE ISSUANCE OF THE
11 ADMINISTRATIVE ORDER; OR~~

12 ~~(2) IF A PETITION FOR JUDICIAL REVIEW OF THE ADMINISTRATIVE
13 ORDER HAS BEEN FILED AND IS PENDING IN A COURT.~~

14 (D) A PARTY MAY FILE AN ACTION FOR CIVIL ENFORCEMENT OF AN
15 ADMINISTRATIVE ORDER IF ANOTHER PARTY IS IN VIOLATION OF THE
16 ADMINISTRATIVE ORDER.

17 (E) A PARTY IN AN ACTION FOR CIVIL ENFORCEMENT OF AN ADMINISTRATIVE
18 ORDER MAY REQUEST, AND A COURT MAY GRANT, ONE OR MORE OF THE FOLLOWING
19 FORMS OF RELIEF:

20 (1) DECLARATORY RELIEF;

21 (2) TEMPORARY OR PERMANENT INJUNCTIVE RELIEF;

22 (3) A WRIT OF MANDAMUS; OR

23 (4) ANY OTHER CIVIL REMEDY PROVIDED BY LAW.

24 ~~(F) IN ADDITION TO ANY OTHER DEFENSE ALLOWED BY LAW, IN AN ACTION
25 FOR CIVIL ENFORCEMENT OF AN ADMINISTRATIVE ORDER A DEFENDANT MAY
26 DEFEND ON ONE OR MORE OF THE FOLLOWING GROUNDS:~~

27 ~~(1) THE ADMINISTRATIVE ORDER DOES NOT APPLY TO THE DEFENDANT;~~

28 ~~(2) THE DEFENDANT DID NOT VIOLATE THE ADMINISTRATIVE ORDER;~~
29 ~~OR~~

30 ~~(3) THE DEFENDANT VIOLATED, BUT SUBSEQUENTLY COMPLIED WITH,
31 THE ADMINISTRATIVE ORDER.~~

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
33 construed only prospectively and may not be applied or interpreted to have any effect
34 on or application to any action for civil enforcement of an administrative order filed
35 before the effective date of this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2000.